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In re Application of
PATEL, Gordhanbai N.
Application No.: 10/009,090
PCT Application No.: PCT/US00/09493
International Filing Date: 11 April 2000
Priority Date: 13 April 1999
Attorney Docket No.: PATL3.0-010
For: INDICATORS FOR MONITORING
STERILIZATION WITH PLASMA

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 15 November 2001 is **GRANTED**.

BACKGROUND

On 11 April 2000, applicant filed an international application, No. PCT/US00/09493, which claimed a priority date of 13 April 1999.

On 03 November 2000, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 15 October 2001 (13 October 2001 was a Saturday).

On 15 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee and a petition to revive.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicant has paid the basic national fee and the petition fee. A terminal disclaimer is not required as application was filed on 11 April 2000. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 11 April 2000 under 35 U.S.C. §363 and a date of 15 November 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

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